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Subject: Scoping Comments on ACP, Docket 70-7004

Scoping comments attached.

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Statement of Geoffrey Sea

Presented in conjunction with the Environmental Scoping Hearing
for USEC's American Centrifuge Plant

Piketon, Ohio, January 18 2005

Submitted to the US Nuclear Regulatory Commission, Rules and Directives Branch,
Division of Administrative Services, Docket #70-7004

I'm not for the centrifuge plant. I'm not against the centrifuge plant. I do believe that the plant will never open. That it was never intended to open. That from the start of the project more than twenty-five years ago, the real intention was to stuff private pockets at public expense, to create a bureaucratic security apparatus to protect this massive expropriation of taxpayer funds, to set aside the Piketon atomic reservation as a national sacrifice zone for radioactive and toxic waste, and to extend this destructive charade with the false promise of future production, for as long as eyes are blindered to it.

I believe that that the scales are about to fall.

1. "Action Alternatives"

Twenty years ago I worked for the Oil, Chemical and Atomic Workers in Piketon. At that time, the Department of Energy began to build the Gas Centrifuge Enrichment Plant, all the while lying to the local community with the suggestion that the gaseous diffusion plant would remain open, even when GCEP had come online.

We at the union were not fooled. We knew that only one facility would operate, and we started a project called the Atomic Reclamation and Conversion Project to plan for the cleanup and conversion to alternate use of whichever facility had to close. Our project later evolved into the Southern Ohio Diversification Initiative.

In 1985, Congress cut the funding for GCEP, and so we asked DOE to enter into negotiations about alternative use for those buildings. Uses that would produce jobs for union members. But DOE did not want any new domain in which they might actually be answerable to the community for cleanup standards and economic planning, with the need to reveal the full extent of the legacy of toxic and radioactive dumping onsite. DOE managers knew that much of the dumping onsite had never been documented, and would become known to its full extent only if parts of the site were released from its control. And so, even after funding had been cut, DOE ran a test run of uranium through the GCEP centrifuges, just to set the buildings off-limits for community use.

The reign of spitefulness, crass stupidity and arrogance has continued for twenty years since, at the site. And now we see that the sad history repeats itself in a cycle. In USEC's environmental report, the only "alternative actions" considered are no action, or construction of the ACP at some other site. No mention is made of potential alternative uses of those GCEP buildings, even though such uses have been contemplated and planned for over twenty years.

Since the buildings already exist and are publicly owned, reasonable alternatives for those buildings include the full range of private leasing possibilities as well as other

governmental uses. SODI, the Southern Ohio Diversification Initiative, once located a private truck manufacturing company that expressed a desire to lease one of those buildings for a plant that would employ about 800 people. That option was rejected by DOE because of its special legislated commitment to USEC. But as part of NRC's environmental and cultural resource review process, that option must be revived and explored as a reasonable alternative use.

One pernicious aspect of the centrifuge proposal is that it is a relatively small operation that will nonetheless commandeer the entire site, primarily because of the security regime that must accompany it. In practice, DOE has prohibited discussion of community use of any part of the main site, so that an unbroken "security zone" can be maintained for USEC's ACP. Therefore, the "reasonable alternatives" scenario must encompass not just a single other use for those centrifuge buildings, but a multiplicity of other uses for various parts of the very large site.

For example, what will happen to the old process buildings of the gaseous diffusion site? If the American Centrifuge Plant is built, the northern half of the site—the old diffusion plant—will wind up being cordoned off and left to decay, an enormous eyesore and environmental atrocity. That is clearly the intent of DOE and USEC, since they have built a new administrative office building on the south side of the site, intended to replace the old office building that will be fenced off with the diffusion plant, and perhaps demolished or entombed.

Another scenario is possible. In my essay, "A Pigeon in Piketon,"¹ I suggested that the X-326 building, the upper end of the Cascade, be entombed as a National Monument. Such a monument, with an environmental education center in a clean building, could become a major draw for tourists and students—entirely consistent with a manufacturing company leasing the GCEP buildings. Under that scenario, much of the surrounding forested land could be turned over to the National Park Service and added to Wayne National Forest, which borders in the east.

We wouldn't have to stop there. Since the site will be a location of ongoing environmental cleanup, employing cutting edge cleanup technologies, why not move that part of Oak Ridge National Laboratory that does research on environmental cleanup to Piketon? Piketon suffered under control from Oak Ridge for decades. Why can't Piketon benefit from new federal spending on research and development? It's already federal land, of immense historical and archaeological value. Why waste that? A multiplicity of new public and private uses all with an environmental theme must be considered as a "reasonable alternative" to the construction of one iffy and dirty centrifuge plant.

When NRC considers the full range of potential "reasonable alternatives," it must also consider that once the centrifuge facility is equipped and operated, that space will be irrevocably tainted, even if the project soon fails. That would be a repeat of the horror of 1985. And so NRC must act to stop the Lead Cascade from operating before the full project is licensed and funded.

2. Cultural Resources

We might say that the tragic history here has all been part of the American system, but it hasn't. Much of what has transpired at Piketon has been illegal, and would have been stopped if not for the abuse of the national security system, for the purpose of hiding corruption and

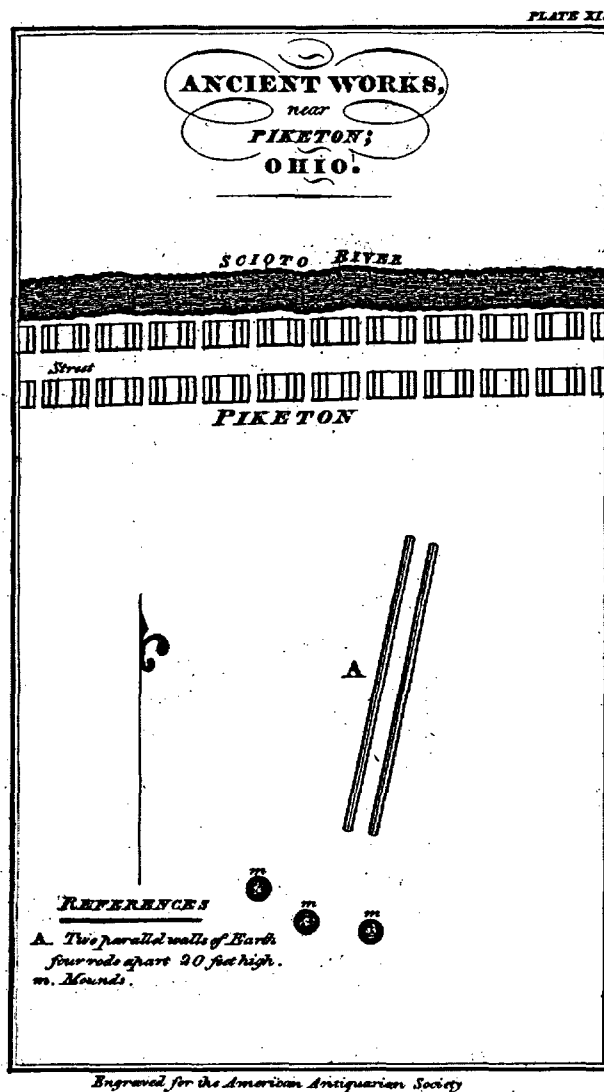
¹ Geoffrey Sea, "A Pigeon in Piketon," *The American Scholar*, Winter 2004, Volume 73, Number 1, pages 57-84.

greed.

One area of clear illegality has been the abject failure of DOE to comply with provisions of the National Historic Protection Act. NHPA was established to protect historic and prehistoric resources from adverse impacts of federal action. Section 106 of NHPA requires a complete cultural resource review when any action is contemplated that "may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register [of Historic Places] in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling or association." (Section 800.5(a)(1)) Section 110 of NHPA requires a comprehensive stewardship program for any such properties that extend onto federal land.

Not only has DOE never implemented either a 106 or 110 review at Piketon, it has not even attempted to identify qualifying properties on or near its land. There is no evidence that anyone at DOE or USEC (or NRC for that matter) has ever logged onto the National Register website, to see what sites in Pike County might qualify for protection. Were they to do so, they would discover that of Pike County's two prehistoric sites, one is on DOE's property, and the other extends onto it. A third property that borders on the proposed centrifuge site and that once included the land underneath the proposed centrifuge buildings, the Barnes Home, is now under consideration for Register listing, which qualifies it for full protection.

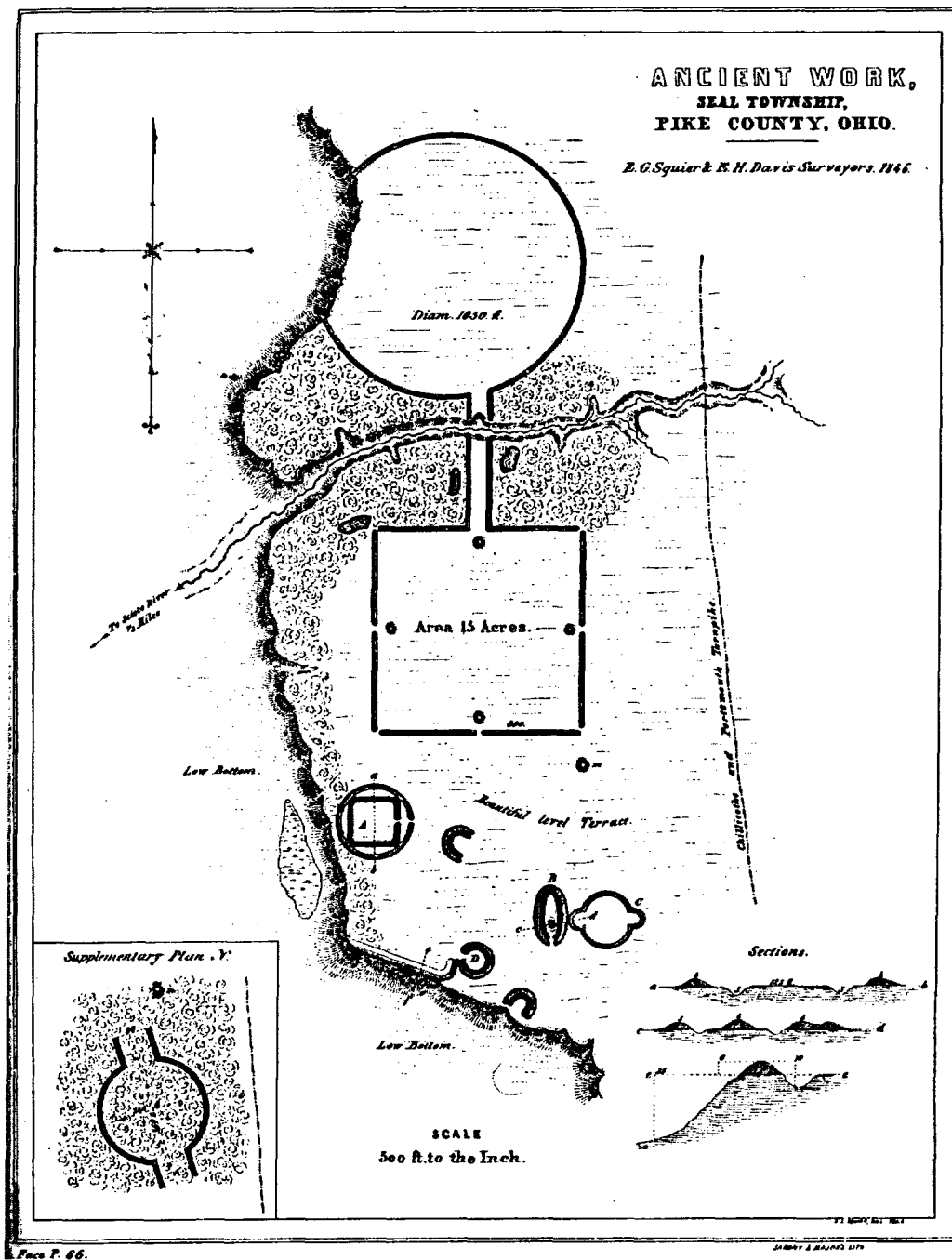
In 1820, Caleb Atwater surveyed "parallel walls of earth" along the Scioto River, and included a drawing of them in his treatise called *Description of the Antiquities Discovered in the State of Ohio and other Western States* (Plate XI):



This engraving has been misunderstood because of the careless label of the "street" between what look like modern road markings. In fact, as ground exploration and careful reading of the text make clear, those segmented walls are the primary earthworks. Between them, an ancient roadway once traversed, which survived so well for two millennia that white settlers built their first wagon road along the same trail. Later these were named the Piketon Works, now listed on the National Register (site 74001599). In the 1960s, the Department of Energy seized this property by eminent domain for its proximity to the river, apparently oblivious to the famous earthworks located there. DOE now uses the earthen embankments to shield its water wells, which provide all water to the atomic site. Pumping declined drastically with closure of the gaseous diffusion plant, but would resume with operation of the American Centrifuge. The possible effect of this water pumping on the earthworks above has never been studied.

In 1846, Isaac Newton Barnes invited the famous archaeologists Ephraim Squier and Edwin Davis onto his land, to survey the astounding Hopewell circle and square—each covering twenty acres—that he could see from his bedroom window, about a mile south of the Piketon Works. Squier and Davis dubbed these the Seal Township Works, and featured them prominently in their 1848 masterpiece, *Ancient Monuments of the Mississippi Valley* (Plate XXV). Following is the plate, on which certain inaccuracies should be noted. The square was larger and the circle smaller, so that they actually covered an approximately equal area. The connecting passage angled differently. And many features, both large and small, were missed due to overgrowth and absence of aerial perspective.

XXIV.

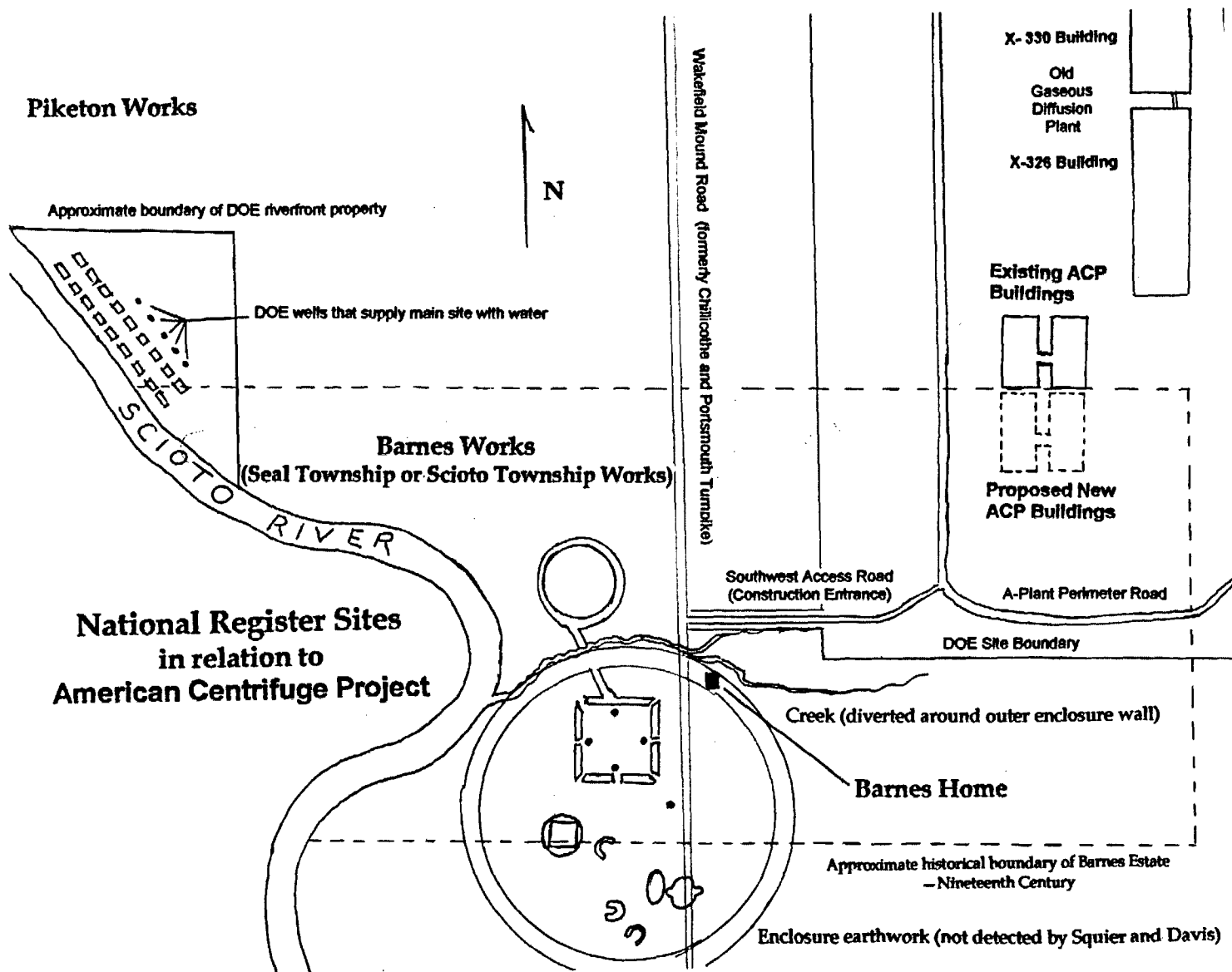


These works were surveyed again in the 1880s, and included in the 1889 Smithsonian study by Cyrus Thomas called *The Circular, Square, and Octagonal Earthworks of Ohio*. They were featured also in Gerard Fowke's *Archaeological History of Ohio* of 1902—Fowke called them the Barnes Works. More recently, William Morgan's *Prehistoric Architecture in the Eastern United States* of 1980 discussed the works as an exemplar of ancient geometric landscape art.

Called either the Barnes Works or the Scioto Township Works (since Scioto broke away from Seal) the small circle was largely destroyed by the modernization of Route 23 to accommodate increased traffic for the enrichment plant in 1952. The square and many of the smaller structures were partially destroyed around that same time by a gravel quarry, which included an asphalt plant that produced pavement for the atomic site. The Scioto Township Works are also now listed on the National Register (site 74001600), though little remains of what was apparent in the 19th century.

Because of this destruction wrought by the A-Plant and associated highways and gravel quarries, people forgot about these earthworks. No recent survey has been conducted. This is truly unfortunate because the nineteenth century surveyors lacked an essential tool for assessing the extent of the works—aerial photography. Today, if you examine an aerial photograph of the area from 1951—the year before the A-plant was built—you can see the circle and square quite clearly, but also something else, a much larger circle whose edge passed precisely between the smaller circle and the square. This larger circle, which has also not been professionally surveyed, passes right by the A-plant's southwest access road and right through the area that USEC might want to pave over to connect that road to Route 23. This large circular enclosure is more than twice the size of the largest Hopewell enclosure previously known, at Chillicothe.

To give a sense of the relation of the earthworks to the proposed American Centrifuge Plant, I have constructed a map that is admittedly anachronistic. It depicts the full extent of the earthworks as they existed prior to modern destruction, compiled on the basis of nineteenth century surveys as can be corrected by twentieth century aerial photographs. Alongside these ancient works I locate the main A-Plant buildings as USEC would like to build them in the future. I have attempted to represent the comparative scales and positions of different structures with approximate accuracy (though the widths of roads and earthworks are not correct):



A few things immediately become clear upon perusal of this map. Both the Hopewell mound-builders and the monument builders of the Atomic Energy Commission oriented their rectangular structures to the cardinal directions. For the Hopewell this was essential to the sacred purpose of tracking the movements of the sun; the atomic engineers probably had no commensurate rationale. And though the AEC often boasted of building the largest structure in the world in terms of ground cover at Piketon, the adjacent ancient earthwork enclosure, much of which still stands, actually extends over more acreage. The latter has lasted about two thousand years; the former only fifty. Which structure is most likely to endure a hundred years from now?

It's immediately clear that the Hopewell were engaged in an elaborate meditation on the forms of circle and square—a small circle encompassed a tangent square, and the juxtaposed circle and square may have been of equal area (impossible to tell with precision since the circle was destroyed). Ratios also suggest mathematical sophistication—the main square had a side exactly one quarter the diameter of the large enclosure circle that contained it. That these mathematicians were non-literate adds substantially to the wonder of these works. Hopewell Ohio emerges as the full and long-sought North American equivalent of ancient Mesoamerica and Peru. What secrets do they have yet to reveal?

Mapping the Piketon Works and the Barnes Works together clarifies the former's purpose. Undoubtedly, the roadway once connected to the ceremonial center just south of it—the rare straight section of the river has worked to preserve this one segment alone. Probably, this once extended all the way along the river to Chillicothe, and then on to Newark, where surviving road remnants have been dubbed "The Great Hopewell Road." The Piketon Works may be the last vestige of the whole middle part of the pathway that may have gone southward to Portsmouth, where substantial road segments also once were found (but have been destroyed).

When I asked Bill Murphee, DOE field manager with jurisdiction over Piketon, what was being done to protect this treasure, he said, "Nothing, it's not on our land." After a subordinate corrected him, he changed his story and said, "We protect it by keeping people away." Authors of section 110 of NHPA, which requires stewardship of cultural resources on federal land, did have a bit more in mind than that.

These works help explain one purpose of the large enclosures, in that the creek that now flows along the A-Plant's southwest access road, was originally diverted from its course to follow the outer circular wall of the great enclosure. The Hopewell then were engaging in large-scale terrestrial engineering, of the type not previously thought to have been practiced north of the Mayan Yucatan. This is stuff of big-time importance. DOE has a Babylon, a Teotihuacán, a Field of Nazca in its front yard.

The most astounding lesson of this map is just how close and interrelated the Hopewell Works and the A-Plant really are. How could these earthworks have been forgotten? Or have they been?

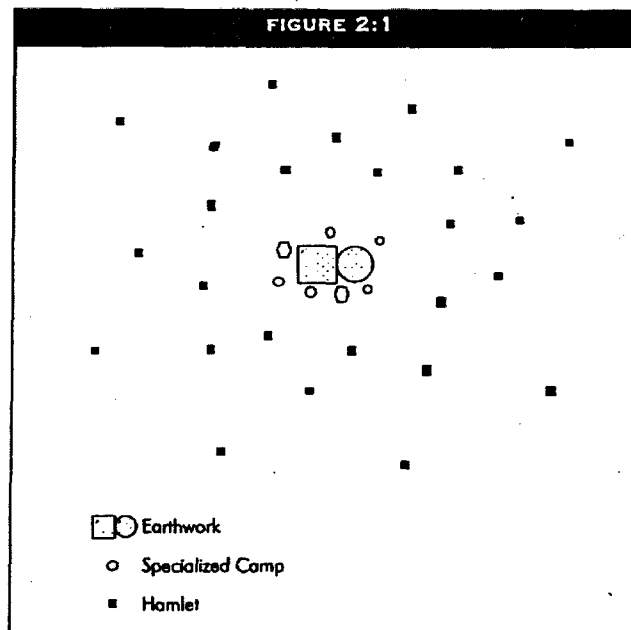
When the central portion of the A-Plant site was leveled by bulldozers in 1952, at least one ancient burial mound was encountered and destroyed. Other indigenous remains and artifacts found on the site since then have always been identified as Adena, as if to suggest that they are part of isolated and insignificant ancient burials. (The Adena did not build large ceremonial and cosmopolitan centers as did the Hopewell.) When asked to produce evidence that the artifacts found onsite are Adena, DOE cannot. (Nor does there appear to be a record of the 1952 excavations, except in local newspapers.)

In fact DOE has kept secret an archaeological survey conducted in 1996 and

referenced vaguely in the USEC environmental report for the ACP. I tried to obtain a copy of this survey report, or even determine when it would be released: no dice. It appears to be a perpetual "working draft," withheld from release under the Freedom of Information Act. DOE officials have suggested that the report cannot be released because it might contain unreliable or unanalyzed information. And yet they provided a copy to USEC, which uses vague references to it as support for its contention that no important cultural resources survive on the site. This is a flim-flam game. DOE claims the report as a working draft, unready for release, yet USEC cites the phantom report's authority to justify a license. (Obviously, the report must now be released so that the public can evaluate its contents.)

It's pretty clear what's really going on here. The "secret" contained in that report, or in its omissions, is that most artifacts on the A-Plant site are Hopewell, not Adena. Look at the map again. The Hopewell did not build isolated ceremonial sites. The giant earthworks were the public spaces at the centers of large residential and occupational complexes. The Barnes Works includes the largest Hopewell enclosure found to date. That means that Piketon may have been the largest cosmopolis in North America, two thousand years ago.

We must say "cosmopolis" and not "city" because the Hopewell did not live in ways familiar to our concept of civilization. Experts have dubbed their pattern the "Vacant Center Model." A large geometric earthwork—typically patterned around a large circle and square—would serve as ceremonial and economic center for a dispersed network of village sites, each with its own farmland, burial plot and local administration. Close to the central earthwork would be "specialized camps" for collective occupational pursuits like the manufacture of tools. Paul Pacheco has given us a generalized schematic for this mode of settlement²:



² Paul Pacheco, "Ohio Hopewell Regional Settlement Patterns," *A View From the Core: A Synthesis of Ohio Hopewell Archaeology*, Ohio Archaeological Council, 1996, page 22

Now look again at my map and try to swallow the DOE claim that artifacts found on the A-Plant site are mostly or exclusively Adena.

Why hasn't any of this been revealed before? For one thing, most Hopewell habitation sites have been discovered during the process of modern urban development, in cities like Chillicothe, Newark and Marietta. In rural Pike County, there hasn't been a lot of big earthmoving that would chance upon habitation sites, most of which must await discovery. Except of course for the earthmoving on the A-Plant site, and that's the other thing.

Construction at the A-Plant site very likely has run into all manner of archaeological treasure, in 1952 and since. But atomic secrecy has served as the perfect cover for sweeping it all under the rug and into that great dust heap called History. Who knows what we have not been told, and why has federal preservation law never been applied at Piketon?

There is no evidence that either DOE or USEC has ever taken its obligations under NHPA seriously. Both the Piketon Works and the Barnes Works were added to the National Register of Historic Places in 1974. That should have triggered an automatic review under the National Historic Preservation Act, which had been passed in 1966. It didn't happen.

In the recent Risk-Based End-State document for the Piketon site, the Department of Energy included a map that showed known "archaeological sites" on the atomic reservation. But the map did not include the known Indian mounds that were destroyed during plant construction in 1952, nor did it include any of the famous Hopewell earthworks that are just offsite, even though they are listed on the National Register and even though they are close enough to appear on the map. Nor did it include DOE's riverfront property, separated from the main site, where the Piketon Works are located. These obvious and illegal omissions have allowed DOE to avoid its obligation of conducting thorough cultural resource impact assessments, to match its elaborate environmental impact assessments.

Though I understood the motive, the question of how DOE managed to evade its legal responsibility so thoroughly did mystify me. So I looked into it, and I can now give a summary of that sad story.

When NHPA passed in 1966, most of the DOE (then AEC) complex was already in place, and because of the massive disruption involved in building facilities like the Gaseous Diffusion Plant (GDP) at Piketon, it was assumed that all or most of the preexisting historic value on these sites had been obliterated, so effectively no compliance measures were undertaken throughout the complex.

Jump to the 1990s. As the early Manhattan Project sites at Chicago, Oak Ridge, Los Alamos and Hanford reached their fifty-year anniversaries, it was realized that the buildings themselves had historic value as part of the nation's nuclear legacy. Therefore, DOE field offices began to initiate NHPA compliance programs at various sites in order of age. The Oak Ridge Operations Office, which had jurisdiction over all three uranium enrichment plants at Oak Ridge, Paducah and Piketon, initiated action-specific 106 reviews for new major projects in Oak Ridge that included solicitation letters to historic Indian tribes from the area. (No tribes expressed interest in a proposed new synfuels plant on the Clinch River.) Then they instituted a programmatic cultural resource compliance agreement for the Paducah site, the second oldest GDP.

Preparations were made to do the same for the youngest plant, Piketon, when it would turn fifty, in 2004, but before that could happen, the site was removed from Oak Ridge jurisdiction and put under the new Lexington KY field office. Lexington had enough on its hands and let the 2004 anniversary pass with no concerted action on 106 or 110 compliance.

Despite some unguarded claims to have consulted with Native American tribes, no tribal governments with historic connections to the Piketon site have ever been contacted. My attempts over two months to identify an official responsible for cultural resource issues at Piketon has yet to yield a result. I've spoken to over twenty DOE employees at Piketon, Lexington, Oak Ridge, and at headquarters in Washington DC. Always, the response is that "someone must have" fulfilled the agency's responsibility under federal preservation law. But no one can tell me who that individual was or is. I've heard every cockamamie cover story in the book—ranging from "we assign that responsibility to contractors" (illegal) to "we haven't undertaken any major federal action that would incur the act" (ahem—building a new uranium enrichment plant kinda qualifies).

The few tentative contacts that the plant has had with the State Historic Protection Office were mainly directed toward identifying DOE buildings that should be granted landmark status--like the X-326 building where bomb-grade and naval-propulsion-grade uranium was produced. Imagine if the Egyptian government failed to enact a preservation plan for the Great Pyramid, because the Rolex watches of the resident archaeologist had not yet qualified as antique.

3. The Shell Game

Now, no one quite understands how this process of a federal agency licensing a quasi-private company to operate on another federal agency's land is supposed to work. And no one even pretends to fathom what kind of creature USEC really is. So everybody is making stuff up as they go.

DOE is attempting to roll all of its preservation responsibility over to NRC—clearly inadequate since DOE will continue to own the site and equipment throughout ACP's operation. USEC can claim that as a non-governmental entity (at least of late), it has no direct responsibility to comply with federal preservation law. NRC has admirably initiated a Section 106 review process, but if that review isolates the licensing action as the only federal action in question, the mounds will have been missed for one molehill.

And all of the parties—DOE, USEC and NRC—seem to be claiming that responsibility for adverse impact extends only as far as the footprints of the proposed centrifuge buildings. Thus, in the two pages out of four hundred devoted to cultural resources in USEC's environmental report, reference is made to the "archaeological surveys" that DOE commissioned in the surface soil of the immediate area of the proposed ACP project. These surveys (though not publicly released) purportedly concluded that the topsoil there had already been "disturbed."

Now that's really brilliant. The entire area inside the perimeter road was bulldozed flat in 1952.

These rollovers and evasions are impermissible under law. Let's be clear. Both DOE and NRC, as separate federal agencies, have three separate responsibilities:

- 1) To assess the broad range of potential impacts on cultural resources of major federal actions as part of environmental impact assessment under the National Environmental Policy Act
- 2) To assess and mitigate adverse impacts of major federal actions on sites that qualify for the National Register of Historic Places under Section 106 of the National Historic Preservation Act

3) To protect (steward) any historic or prehistoric resources on federal land under Section 110 of the National Historic Preservation Act.

NRC has a lot of work to do to untangle this mess. First, it must greatly expand the scope of cultural resource impact as part of its EIS process. Second, it must conduct its 106 review in compliance with NHPA. It cannot now roll this into its NEPA process, because the option to do so was forfeited by DOE. Section 800 of the regulations establishing the Advisory Council on Historic Preservation (36 CFR) lays out the rules for combining an NHPA review with a NEPA review. Since this was never done, it can't be initiated now.

Third, NRC must assess whether the DOE-USEC agreement may be illegal and invalid. DOE officials have maintained that they are legally bound to lease facilities to USEC by the legislation that mandated enrichment privatization. However, that legislation did not exempt DOE from the requirements of NHPA, any more than it did from the requirements of NEPA. NRC must therefore consider that DOE made certain fatal errors in turning over the facilities for USEC use, without proper legal compliance, just as if DOE had failed to comply with NEPA. In other words, NRC must not only conduct its own Section 106 review process, but must also consider that in failing to conduct its 106 review properly, DOE may have undermined the legal basis of its agreement with USEC.

And that gets back, in a circular way, to the issue of action alternatives. USEC has managed to paint itself into a number of different corners simultaneously. In its environmental report, USEC specifies the main action alternative as siting ACP at Paducah instead of Piketon. Since impacts will be "the same," USEC argues, they might as well go ahead and build at Piketon, where two buildings that can accommodate ACP centrifuges stand at the ready.

Now we know that impacts would not be the same. The Piketon site has incomparable cultural value, with potential adverse impacts that have not begun to be studied. That ought to trigger two alternative considerations—moving ACP to Paducah as USEC itself has suggested, and opening part of the Piketon site as a cultural resource park with restoration of earthworks as has been done under the auspices of the National Park Service at Chillicothe.

Pike County's real potential future is in tourism, education and openness, not in a continuation of the national insecurity lock-down that has prevailed for fifty years.

But who's kidding whom? USEC can't pick up and move to Paducah, as they say they can, because without the taxpayer subsidies inherent in use of the Piketon site, USEC would crumble into fairy dust in a flash. The Paducah option is a shill—suggested to exact more fealty and loot from Ohio. But now they've suggested it, and they should be taken at their word.

At the site of what may be the largest prehistoric circle in the world, there is now a highway sign that points the way to "Centrifuge Circle." Some people might call this progress. But consider that in the nineteenth century, the Hopewell circles were considered wonders of the world, signs of the perennial character of human civilization. Abraham Lincoln stayed at the Barnes Home in 1848, in a bedroom from which he could admire the Barnes Works, at the same time that Squier and Davis were making those wonders world-famous. And Ralph Waldo Emerson said, in 1841:

"All inquiry into antiquity—all curiosity respecting the Pyramids, the excavated cities, Stonehenge, the Ohio Circles, Mexico, Memphis—is the desire to do away this wild, savage, and preposterous There and Then, and introduce in its place the Here and Now."

More than a century and a half later, amnesia seems to have set in, and USEC, that quasi-nonentity of a public-private corporation, is able to say in a submission to the government of the United States:

"There are no wetlands, critical habitat, cultural, historical or visual resources that will be adversely affected by the refurbishment, construction or operation of the ACP at the DOE reservation in Piketon, Ohio."

This is progress?